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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,393	09/12/2003	Robert William Collins		8416

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EXAMINER

HOGE, GARY CHAPMAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/661,393	Applicant(s) COLLINS, ROBERT WILLIAM	
	Examiner Gary C. Hoge	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-20 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/12/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 10 is objected to because of the following informalities: on line 3, it appears that "on a an" should be changed to "on an". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Further, there is no clear antecedent basis for "said reminder means."

Claim 3 depends from itself. Therefore, it is impossible to determine the meets and bounds of the claim or to examine it on the merits. It is further impossible to examine claims 6 and 7 on the merits because they depend from claim 3.

Regarding claim 19, this claim purports to be an apparatus claim, but its only limitation is a method step.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Brink et al.

(5,439,101).

Brink discloses an envelope having a front face **24** and a rear face **34**. The envelope itself constitutes a means for reminding a recipient of a date or event or the like, in that a user could simply write the information on the envelope. Indeed, it is often the case that when a person is on the phone and needs to grab a piece of scratch paper to jot down such information, and an envelope is handy, it will be used for that purpose. When such information is written on the envelope and the envelope is laid on, for example a table or a counter, that constitutes means for displaying the reminder means on the envelope.

6. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Powell (3,365,117).

Powell discloses an envelope having a front face **4** and a rear face **5**; and means **9** for reminding a recipient of an event (e.g., dropping film off to be processed); and means **12**, **13** for displaying the reminder means on the envelope (i.e., when the reminder means is still attached to the envelope, the attachment portions **12**, **13** constitute means for displaying the reminder means on the envelope).

7. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Littman (3,181,774).

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Littman discloses an envelope having a front face **3** and a rear face **6**; and means **14** for reminding a recipient of an address; and means **4, 4** for displaying the reminder means on the envelope.

Regarding claim 5, when the envelope is assembled (as in Figs. 3 and 4), it comprises a pocket that receives the reminder means **14**.

8. Claims 1, 2, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Zumbrunn (4,167,241).

Zumbrunn discloses an envelope having a front face **3** and a rear face **2**; and means **14** for reminding a recipient of the sender; and means **13** for displaying the reminder means on the envelope. (i.e., when the reminder means is still attached to the envelope, the attachment portions **13** constitute means for displaying the reminder means on the envelope).

9. Claims 1, 4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Transport (4,291,798).

Transport discloses an envelope having a front face **5** and a rear face **15**; and a card or photograph (column 4, line 51) that constitutes means for reminding the viewer of whatever is depicted in the card or photograph displayed; the juxtaposition of the front and rear faces forming an envelope that constitutes means for displaying the reminder means on the envelope.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brink et al. (5,439,101).

As mentioned above, it is common to grab whatever paper is handy when jotting down information received while on the phone, such information often including dates or events or the like. It would have been obvious to one having ordinary skill in the art at the time the invention was made to print such information, rather than writing in cursive, because such printed messages or usually easier to read.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zumbrunn (4,167,241).

Zumbrunn provides a space 14 for a handwritten message. It would have been obvious to one having ordinary skill in the art at the time the invention was made to print the message, rather than writing in cursive, because such printed messages or usually easier to read.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Transport (4,291,798) in view of Fox (2,845,733).

Transport discloses the invention substantially as claimed, as set forth above. However, the display supporting panel 29 disclosed by Transport is attached to a sealing flap by a tongue-and-groove connection, rather than by adhesive. Fox teaches that it was known in the art to use adhesive to connect such elements. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use adhesive to connect the display supporting panel disclosed by Transport to the sealing flap, as taught by Fox, in order to make the connection more secure.

*Allowable Subject Matter*

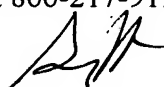
14. Claims 10-20 are allowed.

*Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary C Hoge  
Primary Examiner  
Art Unit 3611

gch